

REMARKS

Favorable consideration and allowance of the claims of the present application are respectfully requested.

As a preliminary matter, Applicants acknowledge pendency of Claims 1-12 as elected for continued prosecution and consequently cancel Claims 13-30 directed to unelected subject matter.

In the Office Action of February 9, 2005, the Examiner indicated that Claims 7-12 were allowable and that claims 2,3, 5 and 6 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all limitation of the base claim and any intervening claims.

Claims 1 and 4 were rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over Smith et al. (US Patent No. 5,164,699) in view of Li (US Patent No. 5,841,184).

In light of the indication of allowable subject matter in Claims 2 and 3, cancel Claim 1 and incorporate the subject matter thereof in respective dependent Claims 2 and 3, rendering Claims 2 and 3 in independent form.

While Smith discloses what appears to be a self-aligned resistor via structure comprising resistive layers having conductive "trace" layers therebetween, clearly the present invention is distinguishable in that, in the case of now amended Claim 2, it is directed to a high performance resistor having alternating conductive film and insulative film layers in a planar orientation, with the insulative film layers serving to limit current flow in a direction perpendicular to an insulator film surface. In the case of now amended Claim 3, the invention it is directed to a high performance resistor having alternating conductive film and insulative film layers in a trough

**BEST AVAILABLE COPY**

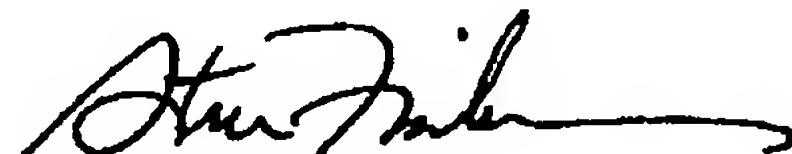
orientation.

Applicants herein amend Claims 4-5 in light of the cancellation of Claim 1 to render them dependent upon the embodiment of the invention as claimed in Claim 2. New Claims 31-33 are being added to depend upon amended independent Claim 3 and track the language of respective Claim 4-6.

In view of the foregoing, it is respectfully submitted that amended independent Claims 2 and 3 are patentably distinguishable over the cited combination of Smith et al. In view of Li and are allowable and, that dependent Claims 4-6 and new Claims 31-33 are allowable at least because they depend from an allowable base Claim. The applicant respectfully requests that the rejection under 35 U.S.C. §103(a) be withdrawn.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Steven Fischman  
Registration No. 34,594

SCULLY, SCOTT, MURPHY & PRESSER  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343  
SF:gc

**BEST AVAILABLE COPY**